IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5243 of 1994

with

SPECIAL CIVIL APPLICATION No 6565 of 1994

with

SPECIAL CIVIL APPLICATION No 8408 of 1994

For Approval and Signature:

HON'BLE DR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

H.C. Harikumar

Versus

Chairman and Managing Director
ONGCL and Ors.

Appearance:
1. Special Civil Application No. 5243 of 1994
2. Special Civil Application No. 6565 of 1994
3. Special Civil Application No. 8408 of 1994
(MR AD PADIVAL) for the Petitioners
MR RAJNI H MEHTA for Respondents

CORAM : HON'BLE DR.JUSTICE J.N.BHATT

Date of decision: 11/01/2005

ORAL JUDGEMENT

1. In this group of three petitions, common questions are involved, questioning the viability of the Scheme formulated by the ONGCL. Subsequently, a Writ Petition, being Special Civil Application No.1718 of 1996, came to be filed by one Mr.K.C.Harikumar, challenging the viability of the scheme before the Bombay High Court. Pursuant to the direction of the Bombay High Court, the operation of the Scheme was stayed, except in certain cases. Under the directions of the Bombay High Court, Actuaries were appointed to suggest changes in the Scheme so as to make the Scheme viable.

2. Thereafter, on 03-02-1998, pursuant to the Memorandum of Understanding ("MoU") entered into between the petitioners, the Association of Scientific and Technical Officers ("ASTO"), the Management of ONGCL and others for making the scheme viable. In view of the MoU, the Bombay High Court (Coram: M.B.Shah, C.J. and A.Y. Sakhere, J.) permitted the withdrawal of the petition on 29-04-1998. Later on, PRBS Circular No.40 dated 18-06-1998, as per the MoU, was issued by the Trust. The Scheme, therefore, became viable as per the Actuaries Report and as agreed between the ASTO, the Management of ONGCL and others.

3. Relying on the aforesaid aspects and facts, Mr.Mehta, learned Barrister, submits that all the three petitions in this group have become infructuous long before. Mr.Padiwal, learned Advocate, also, died several years back and subsequently, no appearance of Advocate on behalf of the petitioners has been filed.

4. It is in this factual situation, the petitions, which are more than a decade old, will not now assume any further survival value, as rightly submitted by Mr.Mehta, learned Barrister, for the ONGCL. However, in case some person or somebody on behalf of the original petitioners is interested, it will be upon for him / her to approach this Court for further orders or directions.

5. In the result, Rule shall stand discharged in all the three petitions without any order as to costs.

Interim Relief, if any, shall stand vacated.

(DR.J.N.BHATT, J.)

/shamnath